

Amendments, comments & suggestions to the DRAFT REPORT 2023/0227(COD) of Rapporteur Herbert Dorfmann on the proposal of a regulation on the production and marketing of plant reproductive material in the Union of the following German associations, 27.11.2023

- Bayerische Pflanzenzucht- und Saatbauverbände (BayPMuc)
- Bundesverband der VO-Firmen e.V. (BVO)
- Bundesverband Deutscher Pflanzenzüchter e. V. (BDP)
- Bundesverband Deutscher Saatguterzeuger e.V. (BDS)
- DER AGRARHANDEL e.V. (DAH)
- Deutscher Bauernverband e.V. (DBV)
- Deutscher Raiffeisenverband e.V. (DRV)
- Union der Deutschen Kartoffelwirtschaft e.V. (Unika)
- Zentralverband Gartenbau e.V. (ZVG)

hereinafter referred to as DE-ASSOCIATIONS

for the following:

– Text below yellow coloured cells refer to the Proposal of the Commission
– Text below blue coloured cells refer to the Amendments of the Draft Report
– Text below green coloured cells refer to the Amendments of DE Associations

General Comments:

There are a number of inconsistencies in the draft Regulation that result among other things from the merging of all extant directives into a single regulation:

As an example, potato plants for planting, at least as regards harvest and post-harvest, are listed in Part C of Annex II, Part B (Standard material of agricultural species and vegetables), despite the fact that potato, according to the systematics of Annex I, are a separate type and not counted among the agricultural species. It is imperative that the annexes be revised and restructured, the general request for crop-specific detailed provisions notwithstanding.

It is not possible to propose amendments in view of these general requests. A fundamental revision of the annexes is imperative.

Furthermore, a fundamental revision of the definitions is necessary.

There are inconsistencies between the definitions for "marketing", "final user" and "professional operator", this complex of definitions needs to be revised.

The revision needs to take into account the following points:

- The scope of the seed legislation must extend throughout the entire marketing chain for PRM, down to the final user.
- Final users can be both farmers or private persons, depending on the type of PRM.
- Exemptions shall only be made for the distribution of seeds to another person for non-commercial, i. e. for non-profit purposes.
- The exchange of seeds between farmers (whether in return for payment or not) are always of commercial nature and need to be subject to the seed marketing legislation without any exception.

The current definitions do not achieve this aim and therefore need to be revised.

In our view, some further definitions are needed for terms used in the text without any further explanation, e.g. *organic variety, herbicide tolerant varieties, seed sampler, certification activities, premises, field inspection, seed testing*.

Article 1

Subject matter

AMENDMENT 1 OF THE DRAFT REPORT, ARTICLE 1		
Amendment 1 of Draft Report	Amendment DE-ASSOCIATIONS	Justification
This Regulation also lays down rules concerning the conditions of cultivation of certain varieties that could have undesirable agronomic effects for the production of food, feed and other products.		<i>We agree</i>

Article 2

Scope and objectives

AMENDMENT 2 OF THE DRAFT REPORT, ARTICLE 2 – PARAGRAPH 1		
Amendment 2 of Draft Report	Amendment DE-ASSOCIATIONS	Justification
The requirements concerning production of PRM shall apply only to production with a view to its marketing or import within the Union.	The requirements concerning production of PRM shall apply only to production with a view to its marketing or import within the Union.	<i>We don't agree:</i> <i>Imports of PRM solely for processing and re-export to outside EU should be excluded from the scope of this regulation, as also in line with Art. 2.4 (c).</i>
AMENDMENT 3 OF THE DRAFT REPORT, ARTICLE 2 – PARAGRAPH 4		
Amendment 3 of Draft Report	Amendment DE-ASSOCIATIONS	Justification

(a) propagating material of ornamental plants as defined in Article 2 of Directive 98/56/EC, and propagating material of genera or species listed in Annex I exclusively used for ornamental purposes;		<i>We agree</i>
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AMENDMENT 4 OF THE DRAFT REPORT, ARTICLE 2 – PARAGRAPH 4

<i>Amendment 4 of Draft Report</i>	<i>Amendment DE-ASSOCIATIONS</i>	<i>Justification</i>
(b) forest reproductive material as defined in Article 3 of Regulation (EU) .../... of the European Parliament and of the Council ^{47 +} and propagating material of genera or species listed in Annex I exclusively used for forestry purposes;		<i>We agree</i>

AMENDMENT 5 OF THE DRAFT REPORT, ARTICLE 2 – PARAGRAPH 4

<i>Amendment 5 of Draft Report</i>	<i>Amendment DE-ASSOCIATIONS</i>	<i>Justification</i>
(c) PRM produced for export to third countries outside commercial activities and for private use only and linked to conservation and biodiversity goals of the PRM.	(c) PRM produced for export to third countries; <i>outside commercial activities and for private use only and linked to conservation and biodiversity goals of the PRM.</i>	<i>We don't agree</i>

Article 3

Definitions

PROPOSAL FOR A REGULATION, ARTICLE 3		
<i>Text proposed by the Commission</i>	<i>Amendment of DE-ASSOCIATIONS</i>	<i>Justification</i>
(2) 'professional operator' means any natural or legal person, involved professionally in	(2) 'professional operator' means any natural or legal person, involved professionally in	

<p>one or more of the following activities in the Union concerning PRM:</p> <p>a) production; b) marketing; c) maintenance of varieties; d) provision of services for identity and quality; e) preservation, storage, drying, processing, treating, packaging, sealing, labelling, sampling or testing;</p>	<p>one or more of the following commercial activities in the Union concerning PRM:</p> <p>a) production; b) marketing; c) maintenance of varieties; d) provision of services for identity and quality; e) preservation, storage, drying, processing, treating, packaging, sealing, labelling, sampling or testing;</p>	<p><i>This clarifies that activities of professional operators belongs to commercial activities.</i></p>
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AMENDMENT 6 OF THE DRAFT REPORT, ARTICLE 3

Amendment 6 of Draft Report	Amendment DE-ASSOCIATIONS	Justification
<p>(3) ‘marketing’ means the following commercial actions conducted by a professional operator: sale, holding, transfer for free, or offering for sale or any other way of transferring or distribution within, or import into, the Union</p>		

AMENDMENT 7 OF THE DRAFT REPORT, ARTICLE 3

Amendment 7 of Draft Report	Amendment DE-ASSOCIATIONS	Justification
<p>(5) ‘clone’ means:</p>		<i>We agree</i>

AMENDMENT 8 OF THE DRAFT REPORT, ARTICLE 3 (new)

Amendment 8 of Draft Report	Amendment DE-ASSOCIATIONS	Justification
<p>(a) an individual plant progeny, originally derived from another single plant by vegetative reproduction, remaining genetically identical to that plant; or</p>		<i>We agree</i>

AMENDMENT 9 OF THE DRAFT REPORT, ARTICLE 3 (NEW)

<i>Amendment 9 of Draft Report</i>	<i>Amendment DE-ASSOCIATIONS</i>	<i>Justification</i>
(b) the vegetative genetically uniform progeny of a single plant.		<i>We agree</i>
AMENDMENT 10 OF THE DRAFT REPORT, ARTICLE 3		
<i>Amendment 10 of Draft Report</i>	<i>Amendment DE-ASSOCIATIONS</i>	<i>Justification</i>
(12) ‘variety maintenance’ means the actions taken for controlling varietal purity and identity with the aim to ensure that a variety remains unchanged in the expression of the characteristics included in the variety description over subsequent cycles of reproduction;		<i>We agree</i>
AMENDMENT 11 OF THE DRAFT REPORT, ARTICLE 3		
<i>Amendment 11 of Draft Report</i>	<i>Amendment DE-ASSOCIATIONS</i>	<i>Justification</i>
(27) ‘heterogeneous material’ means a plant grouping within a single botanical taxon of the lowest known rank which: (a) presents common phenotypic characteristics; (b) is characterised by a high level of genetic and phenotypic diversity between individual reproductive units, so that that plant grouping is represented by the material as a whole, and not by a small number of units; (c) is not a variety; and (d) is not a mixture of varieties; (da) is not open pollinated out-crossing species	(27) ‘heterogeneous material’ means a plant grouping within a single botanical taxon of the lowest known rank which: (a) presents common phenotypic characteristics; (b) is characterised by a high level of genetic and phenotypic diversity between individual reproductive units, so that that plant grouping is represented by the material as a whole, and not by a small number of units; (c) is not a variety; and (d) is not a mixture of varieties; and (da) is not open pollinated out-crossing cross-pollinating species	<i>We don’t agree:</i> <i>The term open pollinated out-crossing is ambiguous. Breeders use this term to distinguish it from hybrids.</i>
AMENDMENT 12 OF THE DRAFT REPORT, ARTICLE 3		

<i>Amendment 12 of Draft Report</i>	<i>Amendment DE-ASSOCIATIONS</i>	<i>Justification</i>
(28) ‘final user’ means any person acquiring and using PRM for purposes which are outside that person’s main professional activities;		See the general comments on definitions at the beginning of the document.
AMENDMENT 13 OF THE DRAFT REPORT, ARTICLE 3		
<i>Amendment 13 of Draft Report</i>	<i>Amendment DE-ASSOCIATIONS</i>	<i>Justification</i>
(29) ‘conservation variety’ means a variety that is: a) either a traditionally grown landrace or a newly bred variety (modern landrace) derived from participatory on-farm selection and bred for adaptation to local conditions in the context of the sustainable use of plant genetic resources for food and agriculture;	(29) ‘conservation variety’ means a variety that is: a) either a traditionally grown landrace or a newly bred variety (modern landrace) derived from participatory on-farm selection and bred for adaptation to under local conditions in the Union, and adapted to those conditions in the context of the sustainable use of plant genetic resources for food and agriculture;	We don’t agree: Conservation varieties must not be newly bred varieties.
AMENDMENT 14 OF THE DRAFT REPORT, ARTICLE 3		
<i>Amendment 14 of Draft Report</i>	<i>Amendment DE-ASSOCIATIONS</i>	<i>Justification</i>
(b) characterised by a certain level of genetic diversity between individual reproductive units;	(b) characterised by a high level of genetic and phenotypic diversity between individual reproductive units;	We don’t agree: As conservation varieties are varieties, this part of the definition is in contradiction with the variety definition. This also applies to varieties recently being deleted from the catalogue, which may also be conservation varieties.
AMENDMENT 15 OF THE DRAFT REPORT, ARTICLE 3		
<i>Amendment 15 of Draft Report</i>	<i>Amendment DE-ASSOCIATIONS</i>	<i>Justification</i>
(32) ‘seed potatoes’ means tubers of <i>Solanum tuberosum</i> L., used		We agree

for the reproduction of potatoes;		
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Article 4

Compliance with Regulation (EU) 2016/2031

PROPOSAL FOR A REGULATION, ARTICLE 4		
<i>Text proposed by the Commission</i>	<i>Amendment of DE-ASSOCIATIONS</i>	<i>Justification</i>
<p>This Regulation shall apply without prejudice to Regulation (EU) 2016/2031.</p> <p>Any PRM lot produced and marketed in accordance with this Regulation, shall also comply with the rules set out in, or pursuant to, Articles 36, 37, 40, 41, 42, 49, 53 and 54 of Regulation (EU) 2016/2031 concerning Union quarantine pests, protected zone quarantine pests and RNQPs, and with the measures adopted pursuant to Article 30(1) of that Regulation</p>	<p>This Regulation shall apply without prejudice to Regulation (EU) 2016/2031.</p> <p>Any PRM lot produced and marketed in accordance with this Regulation, shall also comply with the rules set out in, or pursuant to, Articles 4, 5, 36, 37, 40, 41, 42, 49, 53 and 54 of Regulation (EU) 2016/2031 concerning Union quarantine pests, protected zone quarantine pests and RNQPs, and with the measures adopted pursuant to Article 30(1) of that Regulation.</p> <p><i>Deviating from Article 9 (1) of Regulation (EU) 2017/625 in order to be officially certified in either of the categories Pre-basic, Basic or Certified, all crops in the field as well as the resulting seed and material of each lot must be officially controlled or be controlled under official supervision for compliance with Regulation (EU) 2016/2031.</i></p>	<p><i>References to Articles 4 and 5 of PHR concerning Union quarantine pests are missing.</i></p> <p><i>Due to its reference to the Control Regulation ((EU)2017/625), Regulation (EU) 2016/2031 would only allow risk-based controls. This would not be compatible with the current seed certification procedures.</i></p> <p><i>Hence, the deviation from Article 9 of Regulation (EU) 2017/625 is necessary to ensure sufficient and appropriate controls of PRM also in the future.</i></p>

Article 5

Belonging to a registered variety

PROPOSAL FOR A REGULATION, ARTICLE 5		
<i>Text proposed by the Commission</i>	<i>Amendment of DE-ASSOCIATIONS</i>	<i>Justification</i>
<p>Only PRM belonging to a variety registered in a national variety register referred to in Article 44</p>	<p>Only PRM belonging to a variety registered in a national variety register referred to in Article 44</p>	

<p>may be produced and marketed within the Union, except the following cases:</p> <p>(a) as rootstocks, if produced and marketed with a reference, contained in an appropriate labelling, to the species to which they belong;</p> <p>(b) as heterogeneous material in accordance with Article 27.</p> <p>(c) as PRM marketed to final users in accordance with Article 28;</p> <p>(d) as PRM produced and marketed for the purposes of conservation of genetic resources in accordance with Article 29;</p> <p>(e) as seed exchanged in kind between farmers in accordance with Article 30;</p> <p>(f) as breeder's seed, in accordance with Article 31;</p> <p>(g) as PRM of not yet registered varieties in accordance with Article 32;</p> <p>(h) in the event of supply difficulties of PRM in accordance with Article 33;</p>	<p>may be produced and marketed within the Union, except the following cases:</p> <p>(a) as rootstocks, if produced and marketed with a reference, contained in an appropriate labelling, to the species to which they belong;</p> <p>(b) as heterogeneous material in accordance with Article 27.</p> <p>(e) as PRM marketed to final users in accordance with Article 28;</p> <p>(d) as PRM produced and marketed for the purposes of conservation of genetic resources in accordance with Article 29;</p> <p>(e) as seed exchanged in kind between farmers in accordance with Article 30;</p> <p>(f) as breeder's seed, in accordance with Article 31;</p> <p>(g) as PRM of not yet registered varieties in accordance with Article 32;</p> <p>(h) in the event of supply difficulties of PRM in accordance with Article 33;</p> <p>(ha) as PRM produced and marketed for the purposes of preservation mixtures in accordance with article 22</p>	<p>Ad (c) (according to original numbering):</p> <p><i>This exemption harbors a high potential for conflict and leads to problems with demarcation from the regulated market and thus to distortions of competition.</i></p> <p>Ad (e) (according to original numbering):</p> <p><i>The possibility of seed exchange between farmers is alarming. In practice, because of lack of control, this exemption will be an open door for the spreading of plant diseases. Because of the reasons stated above, we demand the deletion of these exemption.</i></p> <p>Ad (f): (according to original numbering):</p> <p><i>Breeders' seeds are already covered by article 2 (4)(e), which corresponds to the current provisions. Therefore this article should be deleted.</i></p> <p>Ad (ha): (according to original numbering):</p> <p><i>An additional exemption for PRM of preservation mixtures is necessary. Preservation mixtures contain of PRM which is not registered in a national variety register referred to in with article 44.</i></p>
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Article 7

Requirements for the production and marketing of pre-basic, basic and certified seed and material

PROPOSAL FOR A REGULATION, ARTICLE 7 – PARAGRAPH 1		
Text proposed by the Commission	Amendment of DE-ASSOCIATIONS	Justification
1. Pre-basic, basic and certified seed may only be produced	1. Pre-basic, basic and certified seed may only be produced	

<p>and marketed within the Union, if all the following conditions are fulfilled:</p> <p>(a) the pre-basic, basic or certified seed is practically free from quality pests;</p> <p>(b) it is produced and marketed:</p> <p>(i) following official certification by the competent authorities, or certification by the professional operator under official supervision;</p> <p>(ii) in accordance with the requirements set out in Part A of Annex II, and its compliance with those requirements is attested by the official label referred to in Article 15(1).</p>	<p>and marketed within the Union, if all the following conditions are fulfilled:</p> <p>(a) the pre-basic, basic or certified seed is practically free from quality pests;</p> <p>(b) it is produced and marketed:</p> <p>(i) following official certification by the competent authorities, or certification by the professional operator under official supervision;</p> <p>(ii) in accordance with the requirements set out in Part A of Annex II, and its compliance with those requirements is attested by the official label referred to in Article 15(1).</p>	<p><i>Certification is a requirement for marketing, but not for production (paragraph 1(b)).</i></p>
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PROPOSAL FOR A REGULATION, ARTICLE 7 – PARAGRAPH 2

Text proposed by the Commission	Amendment of DE-ASSOCIATIONS	Justification
<p>2. Pre-basic, basic and certified material may only be produced and marketed within the Union, if all the following conditions are fulfilled:</p> <p>(a) the pre-basic, basic or certified material is practically free from quality pests;</p> <p>(b) it is produced and marketed:</p> <p>(i) following official certification by the competent authorities, or certification by the professional operator under official supervision;</p> <p>(ii) in accordance with the requirements set out in Part B of Annex II, and its compliance with those requirements is</p>	<p>2. Pre-basic, basic and certified material may only be produced and marketed within the Union, if all the following conditions are fulfilled:</p> <p>(a) the pre-basic, basic or certified material is practically free from quality pests;</p> <p>(b) it is produced and marketed:</p> <p>(i) following official certification by the competent authorities, or certification by the professional operator under official supervision;</p> <p>(ii) in accordance with the requirements set out in Part B of Annex II, and its compliance with those requirements is</p>	<p><i>Certification is a prerequisite for marketing, but not for production (paragraph 2(b)).</i></p>

attested by the official label referred to in Article 15(1).	attested by the official label referred to in Article 15(1).	
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PROPOSAL FOR A REGULATION, ARTICLE 7 – PARAGRAPH 3

<i>Text proposed by the Commission</i>	<i>Amendment of DE-ASSOCIATIONS</i>	<i>Justification</i>
3. The Commission is empowered to adopt delegated acts in accordance with Article 75, in order to amend Annex II. Those amendments shall adapt to the developments of international technical and scientific standards and may concern the requirements for the following:	3. The Commission is empowered to adopt delegated acts in accordance with Article 75 implementing acts , in order to amend Annex II. Those amendments shall adapt to the developments of international technical and scientific standards and may concern the requirements for the following:	<i>These provisions are of particular importance, in particular as regards field inspections.</i>

PROPOSAL FOR A REGULATION, ARTICLE 7 – PARAGRAPH 4

<i>Text proposed by the Commission</i>	<i>Amendment of DE-ASSOCIATIONS</i>	<i>Justification</i>
4. The Commission may adopt implementing acts specifying the production and marketing requirements referred to in Part A and Part B of Annex II for certain genera, species or categories of PRM, and, where appropriate, for certain grades, classes, generations or other sub-divisions of the category concerned. Those requirements shall concern one or more of the following elements: (e) conditions for the production of seeds from fruit plants or vine;	4. The Commission may adopt implementing acts specifying the production and marketing requirements referred to in Part A and Part B of Annex II for certain genera, species or categories of PRM, and, where appropriate, for certain grades, classes, generations or other sub-divisions of the category concerned. Those requirements shall concern one or more of the following elements: (e) conditions for the production of seeds from fruit plants or vine or seed potatoes ;	<i>The order of letters needs to be editorially corrected</i>

Article 8

Requirements for the production and marketing of standard seed and material

PROPOSAL FOR A REGULATION, ARTICLE 7 – PARAGRAPH 5		
Text proposed by the Commission	Amendment of DE-ASSOCIATIONS	Justification
<p>5. The Commission may adopt implementing acts specifying the production and marketing requirements referred to in Part A and Part B of Annex III for certain genera or species of standard seed or material. Those requirements shall concern one or more of the following elements:</p> <p>(j) conditions for the production of fruit plants, vine or seed potatoes from seeds</p>	<p>5. The Commission may adopt implementing acts specifying the production and marketing requirements referred to in Part A and Part B of Annex III for certain genera or species of standard seed or material. Those requirements shall concern one or more of the following elements:</p> <p>(j) conditions for the production of fruit plants, or vine or seed potatoes from seeds</p>	<p>Potatoes are listed in Annex IV. Therefore, they cannot be produced or marketed as standard material.</p>

Article 10

Authorisation of professional operators to carry out certification under official supervision

PROPOSAL FOR A REGULATION, ARTICLE 10 – PARAGRAPH 1		
Text proposed by the Commission	Amendment of DE-ASSOCIATIONS	Justification
<p>1. A professional operator may, upon application, be authorised by the competent authority to perform all or certain activities required for certification of PRM under official supervision of the competent authority for pre-basic, basic and certified material or seeds, and to issue an official label for them.</p>	<p>1. A professional operator may, upon application, be authorised by the competent authority to perform all or certain activities required for certification of PRM under official supervision of the competent authority for pre-basic, basic and certified material or seeds, and to issue an official label for them.</p>	<p>1st Amendment: This would limit the involvement of the professional operator to individual activities within the certification process (e.g. sampling, seed analysis, labelling), whereas the public authorities would remain involved to a certain degree.</p> <p>2. Amendment: This is in contradiction to Article 14(2), which stipulates that the official label shall be issued by the competent authority, but printed by the professional operator.</p>
PROPOSAL FOR A REGULATION, ARTICLE 10 – PARAGRAPH 2		

<i>Text proposed by the Commission</i>	<i>Amendment of DE-ASSOCIATIONS</i>	<i>Justification</i>
2. The Commission is empowered to adopt delegated acts in accordance with Article 75, supplementing paragraph 1 as regards one or more of the following elements:	2. The Commission is empowered to adopt delegated acts in accordance with Article 75, may, by means of implementing acts, supplementing paragraph 1 as regards one or more of the following elements:	

Article 12

Official supervision by the competent authorities

AMENDMENT 16 OF THE DRAFT REPORT, ARTICLE 12 – PARAGRAPH 2

<i>Amendment 16 of Draft Report</i>	<i>Amendment DE-ASSOCIATIONS</i>	<i>Justification</i>
1. For the purposes of the certification under official supervision, the competent authorities shall conduct regular audits, at least once every 18 months, to ensure that the professional operator fulfils the requirements referred to in Article 10(1).	1. For the purposes of the certification under official supervision, the competent authorities shall conduct regular audits, at least once every 18 months, to ensure that the professional operator fulfils the requirements referred to in Article 10(1).	We don't agree: <i>It shall be in the discretion of the competent authority to decide on the frequency of audits.</i>

PROPOSAL FOR A REGULATION, ARTICLE 12 – PARAGRAPH 2

<i>Text proposed by the Commission</i>	<i>Amendment of DE-ASSOCIATIONS</i>	<i>Justification</i>
2. For the purposes of the certification under official supervision, the competent authorities shall carry out official inspections, sampling and testing on a portion of the crops on the site of production and on lots of the PRM in order to confirm compliance of that material with the requirements referred to in Article 7. That portion shall be determined on the basis of the assessment of the potential risk of non-compliance of the PRM	2. For the purposes of the certification under official supervision, the competent authorities shall carry out official inspections, sampling and testing on a portion of the crops on the site of production and on lots of the PRM in order to confirm compliance of that material with the requirements referred to in Article 7. That portion shall be determined on the basis of the assessment of the potential risk of non-compliance of the PRM with those requirements.	<i>This would make it possible to partially dispense with implementing acts of COM (deletion of article 12(3)(a)).</i>

with those requirements.	<i>The official controls shall cover at least 5 % of the propagation area, lots and control samples.</i>	<i>This corresponds to the current extent of controls.</i>
PROPOSAL FOR A REGULATION, ARTICLE 12 – PARAGRAPH 3		
<i>Text proposed by the Commission</i>	<i>Amendment of DE-ASSOCIATIONS</i>	<i>Justification</i>
<p>3. The Commission may, by means of implementing acts, specify the requirements for the audits, training, examinations, inspections, sampling and testing, as referred to in paragraphs 1 and 2, with regard to particular genera or species.</p> <p>Those implementing acts may specify one or more of the following elements:</p> <p>(a) the risk criteria as referred to in paragraph 2 and minimum portion of the crops and the lots of PRM, to be subject to inspections, sampling and testing, as referred to in paragraph 2;</p> <p>(b) monitoring activities to be carried out by the competent authorities;</p> <p>(c) use of particular accreditation schemes by the professional operator, and the possibility for the competent authorities to reduce the inspections, sampling and testing, and monitoring activities referred to in this Article due to the use of those schemes.</p>	<p>3. The Commission may, by means of implementing acts, specify the requirements for the audits, training, examinations, inspections, sampling and testing, as referred to in paragraphs 1 and 2, with regard to particular genera or species.</p> <p>Those implementing acts may specify one or more of the following elements:</p> <p><i>(a) the risk criteria as referred to in paragraph 2 and minimum portion of the crops and the lots of PRM, to be subject to inspections, sampling and testing, as referred to in paragraph 2;</i></p> <p>(b) monitoring activities to be carried out by the competent authorities;</p> <p>(c) use of particular accreditation schemes by the professional operator, and the possibility for the competent authorities to reduce the inspections, sampling and testing, and monitoring activities referred to in this Article due to the use of those schemes.</p>	<p><i>The deletion of this provision corresponds with the insertion under Article 12 (2) above. There is no need for an additional provision. .</i></p>

Article 13

Lots

PROPOSAL FOR A REGULATION, ARTICLE 13 – PARAGRAPH 1		
Text proposed by the Commission	Amendment of DE-ASSOCIATIONS	Justification
1. PRM shall be marketed in lots. The content of the varieties and species of each lot shall be sufficiently homogeneous regarding and identifiable by its users as distinct from other lots of PRM.	1. PRM shall be marketed produced and certified in lots. The content of the varieties and species of each lot shall be sufficiently homogeneous re-garding and identifiable by its users as distinct from other lots of PRM.	PRM shall be marketed in smaller units than in lots, i.e. packages (Article 14)
AMENDMENT 17 OF THE DRAFT REPORT, ARTICLE 12 – PARAGRAPH 2		
Amendment 17 of Draft Report	Amendment DE-ASSOCIATIONS	Justification
2. During processing, packaging, storage, or at delivery, lots of PRM may be merged into a new lot only if they belong to the same variety.		We agree

Article 14

Packages, bundles and containers

PROPOSAL FOR A REGULATION, ARTICLE 13 – PARAGRAPH 5.1 (new)		
Text proposed by the Commission	Amendment of DE-ASSOCIATIONS	Justification
5. By way of derogation from paragraph 1, seeds may be marketed from a professional operator directly to a farmer in bulk	5. By way of derogation from paragraph 1, seeds may be marketed from a professional operator directly to a farmer in bulk. 5.1. The marketing in bulk has to be done from already fastened packages, bundles or containers which are sealed by an official label in case of pre-basic, basic and certified seed and material, and by an operators label in	<i>In the case of pre-baisc, basic and certified PRM, bulk sales must be effected from a container that has already been closed and that received an official label.</i> <i>This corresponds to the current provisions and to new 5a of</i>

	case of standard seed and material. The professional operator has to hand out the official label in case of pre-basic, basic or certified PRM, and an operator label in case of standard seed or material to the farmer.	<i>amendment 18.</i>
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AMENDMENT 18 OF THE DRAFT REPORT, ARTICLE 14 – PARAGRAPH 5a
(new)

<i>Amendment 18 of Draft Report</i>	<i>Amendment DE-ASSOCIATIONS</i>	<i>Justification</i>
5a. The competent authority and the professional operator shall keep a record of the following: (a) Autorisation, buy, load and transport of the PRM; and (b) quality, identification and traceability of the PRM.		<i>We agree</i>

Article 15

Official Label

AMENDMENT 19 OF THE DRAFT REPORT, ARTICLE 15 – PARAGRAPH 6

<i>Amendment 19 of Draft Report</i>	<i>Amendment DE-ASSOCIATIONS</i>	<i>Justification</i>
6. By way of derogation from paragraphs 1 to 5, pre-basic, basic and certified seed and material imported from third countries pursuant to Article 39, shall be marketed in the Union with the respective OECDlabel that was accompanying them at import.		<i>We agree</i>

Article 17

Content of labels

PROPOSAL FOR A REGULATION, ARTICLE 17 – PARAGRAPH 3

<i>Text proposed by the Commission</i>	<i>Amendment of DE-ASSOCIATIONS</i>	<i>Justification</i>

<p>3. Any space of the official label or the operator’s label apart from the elements mentioned in paragraph 4, may be used for additional information by the competent authority. Such information shall be presented in letters not larger than those used for the content of the official label or the operator’s label as referred to in paragraph 4. That additional information shall be strictly factual, it shall not represent advertising material, and shall be related only to the production and marketing requirements or to labelling requirements for genetically modified organisms or category 1 NGT plants as defined in Article 3(7) of Regulation (EU) .../... (Office of Publications, please insert reference to NGT Regulation ...). .</p>	<p>3. Any space of the official label or the operator’s label apart from the elements mentioned in paragraph 4, may be used for additional information by the competent authority by the professional operator. Such information shall be presented in letters not larger than those used for the content of the official label or the operator’s label as referred to in paragraph 4. That additional information shall be strictly factual, it shall not represent advertising material, and shall be related only to the production and marketing requirements or to labelling requirements for genetically modified organisms or category 1 NGT plants as defined in Article 3(7) of Regulation (EU) .../... (Office of Publications, please insert reference to NGT Regulation ...). .</p>	<p><i>It would be impossible for the competent authorities to include additional information on the official label. All information of the competent authorities has to be included on the official part of the label. It would be also impossible for the competent authorities to include additional information on the operator's label, since the authorities are not involved in the production and marketing process.</i></p>
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PROPOSAL FOR A REGULATION, ARTICLE 17 – PARAGRAPH 5

Text proposed by the Commission	Amendment of DE-ASSOCIATIONS	Justification
<p>5. The competent authority may authorise the professional operator to indicate information other than the content referred to in paragraph 4, and other than advertising material, placed at the periphery of the official label, in an area of a size not larger than 20 % of the total area of the official label, bearing the title ‘Non official information’. Such information shall be in letters not larger than those used for the content of the official label as referred to in paragraph 4.</p>	<p>5. The competent authority may authorise the professional operator to indicate information other than the content referred to in paragraph 4, and other than advertising material, placed at the periphery of the official label, in an area of a size not larger than 20 % 50 % of the total area of the official label, bearing the title ‘Non official information’. Such information shall be in letters not larger than those used for the content of the official label as referred to in paragraph 4.</p>	<p><i>Due to increasing information obligations, a larger portion of the label is needed for the non-official part of the label. 20 % has already come to be insufficient.</i></p>

Article 19

Non-compliance of PRM with production and marketing requirements

PROPOSAL FOR A REGULATION, ARTICLE 19		
Text proposed by the Commission	Amendment of DE-ASSOCIATIONS	Justification
<p>In the case where official controls carried out during the marketing of PRM show that pre- basic, basic, certified seeds or material, or standard seeds or material, have not been produced or marketed within the Union in compliance with the respective requirements referred to in Articles 7 or 8, or in the case where the varietal identity and purity of the PRM were not confirmed in the control plot testing in accordance with Article 24, the competent authorities shall ensure that the professional operator concerned takes the necessary corrective actions concerning the PRM concerned and its premises and production methods, as appropriate. Those actions shall aim at achieving one or more of the following elements:</p>	<p>In the case where official controls carried out during the marketing of PRM show that pre- basic, basic, certified seeds or material have not been marketed, or standard seeds or material, have not been produced or marketed within the Union in compliance with the respective requirements referred to in Articles 7 or 8, or in the case where the varietal identity and purity of the PRM were not confirmed in the control plot testing in accordance with Article 24, the competent authorities shall ensure that the professional operator concerned takes the necessary corrective actions concerning the PRM concerned and its premises and production methods, as appropriate. Those actions shall aim at achieving one or more of the following elements:</p>	<p><i>Pre-basic, basic and certified PRM may only be officially certified when produced in conformance with the applicable provisions. Therefore, provisions concerning official controls only refer to marketing of PRM.</i></p> <p><i>This amendment is necessary with regard to following amendment 20 of the draft report, in order to keep consistency.</i></p>
AMENDMENT 20 OF THE DRAFT REPORT, ARTICLE 19 – PARAGRAPH 1		
Amendment 20 of Draft Report	Amendment DE-ASSOCIATIONS	Justification
<p>(c) with the exception of standard seed or standard material, the PRM concerned is marketed under a lower category, in accordance with the requirements applicable for that category;</p>		<p><i>We agree</i></p>

Article 20

PRM to be only produced and marketed as pre-basic, basic or certified seeds or material

AMENDMENT 21 OF THE DRAFT REPORT, ARTICLE 20 – PARAGRAPH 2		
Amendment 21 of Draft Report	Amendment DE-ASSOCIATIONS	Justification
(i) to the purpose of ensuring food and feed security, or ensuring high value of industrial processing; or		<i>We agree</i>

Article 21

Mixtures of seeds

AMENDMENT 22 OF THE DRAFT REPORT, ARTICLE 21 – PARAGRAPH 1		
Amendment 22 of Draft Report	Amendment DE-ASSOCIATIONS	Justification
1. Mixtures of certified seed or mixtures of standard seed of various genera or species listed in Part A and Part B of Annex I and complying with the requirements of Articles 5 to 8, as well as of different varieties of those genera or species, may be produced and marketed in the Union, if they fulfil the requirements of this Article.		<i>We agree</i>

PROPOSAL FOR A REGULATION, ARTICLE 21 – PARAGRAPH 1

Text proposed by the Commission	Amendment of DE-ASSOCIATIONS	Justification
<p>The seeds included in those mixtures shall be accompanied by:</p> <p>(a) an official label, where the mixture consists only of certified seeds; or</p> <p>(b) an operator's label, in the case where the mixture consists only of standard seed, or of certified and standard</p>	<p>The seeds included in those mixtures shall be accompanied by:</p> <p>(a) an official label, where the mixture consists only of certified seeds, or of certified, standard seed and seed of various genera or species not listed in Annex I; or</p> <p>(b) an operator's label, in the</p>	<p><i>Where certified seeds are included in mixtures the label has to be an official label.</i></p>

<p>seed.</p> <p>For the purposes of the second subparagraph, point (a), the professional operators shall submit to the competent authority the list of constituent varieties of the mixture and their ratios, for verification of eligibility of those varieties.</p>	<p>case where the mixture consists only of standard seed <i>and/or seed of various genera or species not listed in Annex I, or of certified and standard seed.</i></p> <p><i>For the purposes of the second subparagraph, point (a), In the event that the mixture contains certified seed</i> the professional operators shall submit to the competent authority the list of constituent varieties of the mixture and their ratios, for verification of eligibility of those varieties.</p>	<p><i>Submission of an application for seed mixture (paragraph 1) must be compulsory for all mixtures that contain species/genera listed in Annex I, not only for those that exclusively contain certified seeds (with species/genera listed in Annex IV).</i></p>
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AMENDMENT 23 OF THE DRAFT REPORT, ARTICLE 21 – PARAGRAPH 4a
(new)

Amendment 23 of Draft Report	Amendment DE-ASSOCIATIONS	Justification
<p>4a. Mixtures of seeds referred to in paragraph 1 may contain seeds of various genera or species which are listed and seeds of various genera or species which are not listed in Annex 1 Part A and B.“</p>		<p>We agree</p>

Article 22

Preservation mixtures

PROPOSAL FOR A REGULATION, ARTICLE 22 – PARAGRAPH 1

Text proposed by the Commission	Amendment of DE-ASSOCIATIONS	Justification
<p>1. By way of derogation from Article 21(1), Member States may authorise the production and marketing of a mixture of seeds of various genera or species listed in Part A of Annex I, as well as of different varieties of those genera or species, together with seeds of genera or species of other Parts of that</p>	<p>1. By way of derogation <i>from Articles 5 to 8 and</i> Article 21(1), Member States may authorise the production and marketing of a mixture of seeds of various genera or species listed in Part A <i>and Part B</i> of Annex I, as well as of <i>different varieties of those genera or species, together with seeds of genera or species of</i></p>	<p><i>These amendments are necessary to ensure that varieties cannot be used in preservation mixtures as this would contradict the purpose of preservation mixtures, which is to protect regionally specific genetic variations of indigenous species and to restore the natural environment.</i></p>

Annex, or of genera or species not listed in that Annex, if such a mixture fulfils all of the following conditions:	<i>other Parts of that Annex, or of</i> genera or species not listed in that Annex, if such a mixture fulfils all of the following conditions:	
AMENDMENT 24 OF THE DRAFT REPORT, ARTICLE 22 – PARAGRAPH 1		
<i>Amendment 24 of Draft Report</i>	<i>Amendment DE-ASSOCIATIONS</i>	<i>Justification</i>
(b) it is naturally associated with a particular area ('region of origin') contributing to the conservation of genetic resources or the restoration of the natural environment;		<i>We agree</i>
AMENDMENT 25 OF THE DRAFT REPORT, ARTICLE 22 – PARAGRAPH 2		
<i>Amendment 25 of Draft Report</i>	<i>Amendment DE-ASSOCIATIONS</i>	<i>Justification</i>
(a) authorisation requirements for mixtures of seeds collected directly from a natural place belonging to a defined region of origin, for the conservation and restoration of the natural environment (directly harvested preservation mixtures);		<i>We agree</i>
PROPOSAL FOR A REGULATION, ARTICLE 22 – PARAGRAPH 3a (new)		
<i>Text proposed by the Commission</i>	<i>Amendment of DE-ASSOCIATIONS</i>	<i>Justification</i>
	<i>3a. The production and marketing of the components of a preservation mixture is restricted to the territory of the member State where the components have been collected.</i>	<i>This additional paragraph is necessary because the multiplication of seed for preservation mixtures over several generations in a Member State other than that in which the seed was originally collected, leads to a high risk of outcrossing with related species or other populations of the same species at the place of multiplication. Seed thus obtained is not suitable to restore the natural environment in the Member State</i>

		concerned.
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Article 23

Re-packaging and re-labelling of seed lots

AMENDMENT 26 OF THE DRAFT REPORT, ARTICLE 23 – TITLE		
<i>Amendment 25 of Draft Report</i>	<i>Amendment DE-ASSOCIATIONS</i>	<i>Justification</i>
Re-packing and re-labelling of PRM lots	Re-packing and re-labelling of PRM lots	We don't agree: <i>This amendment corresponds to the general definition of lots in article 3 (26)</i>
AMENDMENT 27 OF THE DRAFT REPORT, ARTICLE 23 – PARAGRAPH 1		
<i>Amendment 27 of Draft Report</i>	<i>Amendment DE-ASSOCIATIONS</i>	<i>Justification</i>
1. Lots of pre-basic, basic and certified seed or material shall be repackaged and relabeled in accordance with this Article, Articles 14 and 15, where this is necessary for splitting or merging of lots.		We agree
AMENDMENT 28 OF THE DRAFT REPORT, ARTICLE 23 – PARAGRAPH 2		
<i>Amendment 28 of Draft Report</i>	<i>Amendment DE-ASSOCIATIONS</i>	<i>Justification</i>
2. The re-packaging and re-labelling of a PRM lot shall be conducted by:	The re-packaging and re-labelling of a PRM lot shall be conducted by:	We don't agree: <i>See justification to the amendment of amendment 26.</i>

Article 26

PRM belonging to conservation varieties

PROPOSAL FOR A REGULATION, ARTICLE 26 – PARAGRAPH 3a (new)		
<i>Text proposed by the Commission</i>	<i>Amendment of DE-ASSOCIATIONS</i>	<i>Justification</i>
	3a. Each Member State shall establish quantitative restrictions for the production	<i>For minimum criteria for this quantitative restrictions see Commission Directive 2008/62</i>

	<i>and marketing of PRM belonging to conservation varieties.</i>	<i>EC derogations for landraces.</i>
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Article 27

PRM of heterogeneous material

AMENDMENT 29 OF THE DRAFT REPORT, ARTICLE 27 – PARAGRAPH 1		
Amendment 29 of Draft Report	Amendment DE-ASSOCIATIONS	Justification
1. By way of derogation from Article 5, PRM of heterogeneous material, with the exclusion of the production and marketing of fodder plant, may be produced and marketed within the Union without belonging to a variety. The heterogeneous material shall be notified to and registered by the competent authority prior to its production and/or marketing, in accordance with the requirements set out in Annex VI.		<i>We agree</i>
PROPOSAL FOR A REGULATION, ARTICLE 27 – PARAGRAPH 4		
Text proposed by the Commission	Amendment of DE-ASSOCIATIONS	Justification
4. Any professional operator producing and/or intending to market PRM of heterogeneous material shall submit a notification to the competent authority prior to marketing. If no further information is requested by the national competent authority within a time determined by the competent authority, the PRM of heterogeneous material may be marketed.	4. Any professional operator producing and/or intending to market PRM of heterogeneous material shall submit a notification to the competent authority of the production and prior to marketing. If no further information is requested by the national competent authority within a time determined by the competent authority, the PRM of heterogeneous material may be produced and/or marketed.	<i>It is necessary that the competent authority has notification about the heterogeneous material prior to producing.</i>

PRM marketed to final users

PROPOSAL FOR A REGULATION, ARTICLE 28 – PARAGRAPH 1 (deleted)		
Text proposed by the Commission	Amendment of DE-ASSOCIATIONS	Justification
<p>1. By way of derogation from Articles 5 - 12, 14, 15 and 20, PRM may be marketed to final users, if it complies with all of the following requirements:</p> <p>(a) to bear an operator’s label with the denomination of the PRM and the indication ‘Plant reproductive material for final users – not officially certified’ or, in the case of seeds, ‘Seeds for final users – not officially certified’;</p> <p>(b) in case not belonging to a variety registered in a national variety register referred to in Article 44, to have a description made publicly available, on the basis of a private documentation, in a commercial catalogue kept by the professional operator. This private documentation shall be made available by the professional operator upon request to the competent authority;</p> <p>(c) to be practically free from quality pests and any defects likely to impair its quality as reproductive material, and shall have satisfactory vigour and dimensions in respect of its usefulness as PRM, and, in the case of seeds, shall have satisfactory germination capacity; and</p>	<p>1. By way of derogation from Articles 5 - 12, 14, 15 and 20, PRM may be marketed to final users, if it complies with all of the following requirements:</p> <p>(a) to bear an operator’s label with the denomination of the PRM and the indication ‘Plant reproductive material for final users – not officially certified’ or, in the case of seeds, ‘Seeds for final users – not officially certified’;</p> <p>(b) in case not belonging to a variety registered in a national variety register referred to in Article 44, to have a description made publicly available, on the basis of a private documentation, in a commercial catalogue kept by the professional operator. This private documentation shall be made available by the professional operator upon request to the competent authority;</p> <p>(c) to be practically free from quality pests and any defects likely to impair its quality as reproductive material, and shall have satisfactory vigour and dimensions in respect of its usefulness as PRM, and, in the case of seeds, shall have satisfactory germination capacity; and</p>	<p>See our justification in Article 5 (c).</p>

<p>(d) to be marketed as individual plants, or, in the case of seeds and tubers, in small packages.</p> <p>A professional operator who uses this derogation shall annually notify this activity to the competent authority, with regard to the species and quantities concerned</p>	<p>(d) to be marketed as individual plants, or, in the case of seeds and tubers, in small packages.</p> <p>A professional operator who uses this derogation shall annually notify this activity to the competent authority, with regard to the species and quantities concerned</p>	
PROPOSAL FOR A REGULATION, ARTICLE 28 – PARAGRAPH 2 (deleted)		
Text proposed by the Commission	Amendment of DE-ASSOCIATIONS	Justification
<p>2. The Commission shall, by means of implementing acts, adopt rules concerning the size, form, sealing and handling requirements concerning the small packages referred to in paragraph 1 point (d).</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).</p>	<p>2. The Commission shall, by means of implementing acts, adopt rules concerning the size, form, sealing and handling requirements concerning the small packages referred to in paragraph 1 point (d).</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).</p>	

Article 30

Seed exchanged in kind between farmers

AMENDMENT 30 OF THE DRAFT REPORT, ARTICLE 30 – TITLE (deleted)		
Amendment 30 of Draft Report	Amendment DE-ASSOCIATIONS	Justification
PRM exchanged between farmers	PRM exchanged between farmers	We don't agree:
AMENDMENT 31 OF THE DRAFT REPORT, ARTICLE 30 – PARAGRAPH 1 (deleted)		
Amendment 31 of Draft Report	Amendment DE-ASSOCIATIONS	Justification
1. By way of derogation from Articles 5 - 25, farmers may	1. By way of derogation from Articles 5 - 25, farmers may	We don't agree: See our justification in Article 5

<p>exchange PRM, if such seeds fulfill all of the following conditions:</p> <ol style="list-style-type: none"> (1) are produced in the respective farmer’s own premises; (2) are derived from the respective farmer’s own harvest; (3) are not subject to a service contract conducted by the respective farmer with a professional operator performing seed production; and (4) the seed is used for dynamic management of farmer’s own seed for the purpose of contributing to agro-diversity. 	<p><i>exchange PRM, if such PRM fulfils all of the following conditions:</i></p> <ol style="list-style-type: none"> <i>(1) are produced in the respective farmer’s own premises;</i> <i>(2) are derived from the respective farmer’s own harvest;</i> <i>(3) are not subject to a service contract conducted by the respective farmer with a professional operator performing seed production; and</i> <i>(4) the seed is used for dynamic management of farmer’s own seed for the purpose of contributing to agro-diversity.</i> 	<p>(c). Moreover, due to this amendment the exemption would be extended to seed potatoes and other crops with a high risk for phytosanitary problems.</p> <p>By deleting the term “in kind”, this exemption would no longer be limited to the exchange of seed, but monetary compensation would also be possible.</p>
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AMENDMENT 32 OF THE DRAFT REPORT, ARTICLE 30 – PARAGRAPH 2 (deleted)

<i>Amendment 32 of Draft Report</i>	<i>Amendment DE-ASSOCIATIONS</i>	<i>Justification</i>
<p>2. Such seeds shall fulfil all of the following requirements:</p> <ol style="list-style-type: none"> (a) not to belong to a to variety for which plant variety rights have been granted in accordance with Regulation (EU) 2100/94; (b) to be limited in quantities, without using commercial intermediaries or public offer of marketing; and (c) to be practically free from quality pests and any defects likely to impact their quality as seeds, and shall have satisfactory germination capacity. 	<p>2. Such seeds shall fulfil all of the following requirements:</p> <ol style="list-style-type: none"> (a) not to belong to a to variety for which plant variety rights have been granted in accordance with Regulation (EU) 2100/94; (b) to be limited in quantities, without using commercial intermediaries or public offer of marketing; and (c) to be practically free from quality pests and any defects likely to impact their quality as seeds, and shall have satisfactory germination capacity. 	<p>We don’t agree:</p>

PROPOSAL FOR A REGULATION, ARTICLE 30 – PARAGRAPH 3 (deleted)

<i>Text proposed by the Commission</i>	<i>Amendment of DE-ASSOCIATIONS</i>	<i>Justification</i>
3. Member States shall annually notify to the Commission and the other Member States the amounts per species defined in accordance with paragraph 2, point (b).	3. Member States shall annually notify to the Commission and the other Member States the amounts per species defined in accordance with paragraph 2, point (b).	

AMENDMENT 33 OF THE DRAFT REPORT, ARTICLE 30a (new)

<i>Amendment 33 of Draft Report</i>	<i>Amendment DE-ASSOCIATIONS</i>	<i>Justification</i>
<p>Article 30a</p> <p>Maximum quantity of each species which may be exchanged</p> <p>The Commission is empowered to adopt delegated acts in accordance with Article 75, supplementing this Regulation, in order to set up, for each species, the maximum quantity which may be exchanged, referred to in Article 30(2), point (b).</p>	<p>Article 30a</p> <p>Maximum quantity of each species which may be exchanged</p> <p>The Commission is empowered to adopt delegated acts in accordance with Article 75, supplementing this Regulation, in order to set up, for each species, the maximum quantity which may be exchanged, referred to in Article 30(2), point (b).</p>	We don't agree:

Article 31

Breeders Seed

PROPOSAL FOR A REGULATION, ARTICLE 31—PARAGRAPH 1 (deleted)

<i>Text proposed by the Commission</i>	<i>Amendment of DE-ASSOCIATIONS</i>	<i>Justification</i>
<p>1. By way of derogation from Articles 5 -25, a competent authority may authorise operators to market seed of generations preceeding the pre-basic category to another operator, for the purpose of breeding new varieties (breeders' seed).</p> <p>The competent authority shall determine the duration of the authorisation and quantities per species, when granting that authorisation.</p>	<p>1. By way of derogation from Articles 5 -25, a competent authority may authorise operators to market seed of generations preceeding the pre-basic category to another operator, for the purpose of breeding new varieties (breeders' seed).</p> <p>The competent authority shall determine the duration of the authorisation and quantities per species, when granting that authorisation.</p>	See our justification in Article 5 (f).

PROPOSAL FOR A REGULATION, ARTICLE 31 – PARAGRAPH 2 (deleted)		
Text proposed by the Commission	Amendment of DE-ASSOCIATIONS	Justification
<p>2. The PRM referred to in paragraph 1 shall be accompanied by a label issued by the professional operator, with the indication ‘breeder’s seed’, that shall be affixed, as applicable, on the container, bundle or package of that material.</p> <p>It shall be sealed and bear a lot number to be used for identification purposes and control plot testing before it is used as pre-basic seed.</p>	<p>2. The PRM referred to in paragraph 1 shall be accompanied by a label issued by the professional operator, with the indication ‘breeder’s seed’, that shall be affixed, as applicable, on the container, bundle or package of that material.</p> <p>It shall be sealed and bear a lot number to be used for identification purposes and control plot testing before it is used as pre-basic seed.</p>	

Article 33

Authorisation in cases of temporary difficulties in the supply

AMENDMENT 34 OF THE DRAFT REPORT, ARTICLE 33 – PARAGRAPH 1		
Amendment 34 of Draft Report	Amendment DE-ASSOCIATIONS	Justification
<p>1. In order to remove temporary difficulties in the general supply of PRM that may occur in the Union due to adverse climatic conditions or other unforeseen circumstances, the Commission is empowered to adopt delegated acts in accordance with Article 75, amending this Regulation, in order to authorise Member States for a maximum period of 1 year, to allow the marketing of the categories of pre-basic, basic or certified material or seed, which fulfils one of the following conditions:</p>	<p>1. In order to remove temporary difficulties in the general supply of PRM that may occur in the Union due to adverse climatic conditions or other unforeseen circumstances, the Commission is empowered to adopt delegated acts in accordance with Article 75, amending this Regulation, in order to may, by means of an implementing act, authorise Member States for a maximum period of 1 year, to allow the marketing of the categories of pre-basic, basic or certified material or seed, which fulfils one of the following conditions:</p>	<p>We don’t agree:</p> <p><i>For practical reasons it is important to have implementing acts. We agree to the original text proposed by commission.</i></p>

AMENDMENT 35 OF THE DRAFT REPORT, ARTICLE 33 – PARAGRAPH 1		
Amendment 35 of Draft Report	Amendment DE-ASSOCIATIONS	Justification
That delegated act shall set out the maximum quantities, which may be marketed per genera or species.	That delegated implementing act may shall set out the maximum quantities, which may be marketed per genera or species.	We don't agree: <i>For practical reasons it is important to have implementing acts. We agree to the original text proposed by commission.</i>
AMENDMENT 36 OF THE DRAFT REPORT, ARTICLE 33 – PARAGRAPH 1 (deleted)		
Amendment 36 of Draft Report	Amendment DE-ASSOCIATIONS	Justification
<i>That implementing act shall be adopted in accordance with the examination procedure referred to in Article 76(2).</i>	<i>That implementing act shall be adopted in accordance with the examination procedure referred to in Article 76(2).</i>	We don't agree: <i>For practical reasons it is important to have implementing acts. We agree to the original text proposed by commission.</i>
AMENDMENT 37 OF THE DRAFT REPORT, ARTICLE 33 – PARAGRAPH 3		
Amendment 37 of Draft Report	Amendment DE-ASSOCIATIONS	Justification
3. The Commission is empowered to adopt delegated acts in accordance with Article 75, amending this Regulation, in order to decide that the authorisation concerned has to be repealed or amended, if it concludes that it is no longer necessary or proportionate to the objective of removing the temporary difficulties in the general supply of the PRM concerned.	3. The Commission <i>may, by means of an implementing act, is empowered to adopt delegated acts in accordance with Article 75, amending this Regulation, in order to</i> decide that the authorisation concerned has to be repealed or amended, if it concludes that it is no longer necessary or proportionate to the objective of removing the temporary difficulties in the general supply of the PRM concerned. <i>That implenting act shall be adopted in accordance wit the examination procedure refered to in Articl 76(2).</i>	We don't agree: <i>For practical reasons it is important to have implementing acts. We agree to the original text proposed by commission.</i>
AMENDMENT 38 OF THE DRAFT REPORT, ARTICLE 33 – PARAGRAPH 4a		

<i>(new)</i>		
Amendment 38 of Draft Report	Amendment DE-ASSOCIATIONS	Justification
4a. The Member State that uses the derogation referred to in paragraph 4 shall notify it to the Commission.		<i>We agree</i>

Article 39

Imports on the basis of Union equivalence

AMENDMENT 39 OF THE DRAFT REPORT, ARTICLE 39 – PARAGRAPH 1 (deleted)		
Amendment 39 of Draft Report	Amendment DE-ASSOCIATIONS	Justification
However, no such import shall be allowed, and no such equivalence shall be recognised pursuant to paragraph 2, for the preservation mixtures such as those referred to in Article 22, and for PRM such as that subject to the derogations of Articles 26–30.	However, no such import shall be allowed, and no such equivalence shall be recognised pursuant to paragraph 2, for the preservation mixtures such as those referred to in Article 22, and for PRM such as that subject to the derogations of Articles 26 - 30.	We don't agree with that deletion. We agree to the original text proposed by commission. Preservation mixtures can't be imported.

Article 41

Obligations of professional operators producing PRM

PROPOSAL FOR A REGULATION, ARTICLE 41 – TITLE		
Text proposed by the Commission	Amendment of DE-ASSOCIATIONS	Justification
Obligations of professional operators producing PRM	Obligations of professional operators producing PRM	
PROPOSAL FOR A REGULATION, ARTICLE 41		
Text proposed by the Commission	Amendment of DE-ASSOCIATIONS	Justification
Professional operators, which produce PRM, shall:	Professional operators, which produce PRM , shall:	<i>The provisions need to apply to all professional operators, not only to those who produce</i>

		<i>PRM (multipliers), since variety identity and seed quality may be adversely affected by all activities that any professional operator undertakes under Article 3 (2).</i>
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Article 43

Annual notification of the intended production and certification of pre-basic, basic and certified seed and material

AMENDMENT 40 OF THE DRAFT REPORT, ARTICLE 43 – PARAGRAPH 1		
<i>Amendment 40 of Draft Report</i>	<i>Amendment DE-ASSOCIATIONS</i>	<i>Justification</i>
(a) their intention to produce pre-basic, basic and certified material or pre-basic, basic and certified seed, before the beginning of that production; and	(a) their intention to produce the production of pre-basic, basic and certified material or pre-basic, basic and certified seed, at least one month before the beginning of that production field inspection unless the competent authority has specified different deadlines; and	We don't agree <i>The required notification is an unnecessary administrative process without any added value, neither for the public authorities, nor for the professional operators. Moreover, the actual location of the production site is often only known at very short notice before the production start.</i> <i>A deletion of this provision may also be considered, as Article 77(1) on reporting obligations already ensures that the relevant information related to seed security is collected and shared with Member States on an annual basis.</i>

Article 47

Requirements for registration in national variety registers

AMENDMENT 41 OF THE DRAFT REPORT, ARTICLE 47 – PARAGRAPH 1		
<i>Amendment 41 of Draft Report</i>	<i>Amendment DE-ASSOCIATIONS</i>	<i>Justification</i>
(i) an official description showing compliance with the requirements of distinctness, uniformity and stability set out in Articles 48, 49 and 50, except turf	(i) an official description showing compliance with the requirements of distinctness, uniformity and stability set out in Articles 48, 49 and 50, except turf	We don't agree: <i>Amendment 1: compliance with the requirements of distinctness, uniformity and stability (DUS) is absolutely necessary for turf grasses.</i>

<p>grasses, and fulfil the requirements for satisfactory value for sustainable cultivation and use, as set out in Article 52; or</p>	<p>grasses, and fulfil the requirements for satisfactory value for sustainable cultivation and use, except species mentioned in Annex I Part B, as set out in Article 52; or</p>	<p><i>We can accept VSCU testing for turf grasses only if a separate category for “turf grasses” is created in the EU Common Catalogue for Plant Species. Currently, turf grasses are included in the Common Catalogue in the category „fodder plants“ which they are clearly not.</i></p> <p><i>Amendment 2: However, we also do not consider it necessary to implement VSCU for varieties of vegetables and fruits. The result of this extension could be that small breeding companies that develop regionally adapted, robust varieties will not be able to afford this additional effort and will disappear from the market. Vegetable varieties are not considered as agricultural species and should continue to be exonerated from VCSU testing.</i></p>
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AMENDMENT 42 OF THE DRAFT REPORT, ARTICLE 47 – PARAGRAPH 1a
(new)

Amendment 42 of Draft Report	Amendment DE-ASSOCIATIONS	Justification
<p>1a. As regards points (f) and (g) of the first subparagraph, the Commission may decide, by means of implementing acts, that the provisions adopted by Member States have to be repealed or amended, if it concludes that those provisions are not sufficiently based on the latest scientific and technical knowledge or proportionate to the objective of pursued. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).</p>		<p>We agree</p>

AMENDMENT 43 OF THE DRAFT REPORT, ARTICLE 47 – PARAGRAPH 3 (deleted)

<i>Amendment 43 of Draft Report</i>	<i>Amendment DE-ASSOCIATIONS</i>	<i>Justification</i>
<p>3. The Commission is empowered to adopt delegated acts in accordance with Article 75, supplementing this Regulation with the minimum cultivation conditions to be adopted by the competent authorities pursuant to paragraphs 1(f) and (g), concerning:</p> <p>(i) measures in the field, including crop rotation;</p> <p>(ii) monitoring measures;</p> <p>(iii) the mode of notification of the conditions referred to in point (i) to the Commission and the other Member States;</p> <p>(iv) rules for reporting from professional operators to the competent authorities concerning the application of the conditions referred to in point (i);</p> <p>(v) the indication of the conditions referred to in point (i) in the national variety registers.</p> <p>Those conditions shall be based on the latest scientific and technical knowledge.</p>		<p><i>We agree</i></p>

Article 48

Requirements for registration in national variety registers

AMENDMENT 44 OF THE DRAFT REPORT, ARTICLE 48 – PARAGRAPH 1		
<i>Amendment 44 of Draft Report</i>	<i>Amendment DE-ASSOCIATIONS</i>	<i>Justification</i>
<p>1. For the purposes of the official description, referred to in Article 47(1), point (a), a variety shall be deemed to be distinct,</p>		<p><i>We agree</i></p>

<p>if it is clearly distinguishable, by reference to the expression of the characteristics that results from a particular genotype or combination of genotypes, from any other variety which is commonly known on the date of the submission of the application established in accordance with Article 58.</p>		
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Article 52

Value for sustainable cultivation and use

AMENDMENT 45 OF THE DRAFT REPORT, ARTICLE 52 – PARAGRAPH 1		
Amendment 45 of Draft Report	Amendment DE-ASSOCIATIONS	Justification
(f) characteristics that enhance the sustainability of cultivation, harvesting, storage, processing, distribution and use;		<i>We agree</i>
AMENDMENT 46 OF THE DRAFT REPORT, ARTICLE 52 – PARAGRAPH 1		
Amendment 46 of Draft Report	Amendment DE-ASSOCIATIONS	Justification
(ga) preserving traditional and cultural heritage;	(ga) preserving traditional and cultural heritage;	We don't agree: <i>This is not measurable.</i>
AMENDMENT 47 OF THE DRAFT REPORT, ARTICLE 52 – PARAGRAPH 1		
Amendment 47 of Draft Report	Amendment DE-ASSOCIATIONS	Justification
(gb) pre and post-harvest waste reduction.		<i>We agree</i>
PROPOSAL FOR A REGULATION, ARTICLE 52 – PARAGRAPH 3		
Text proposed by the Commission	Amendment of DE-ASSOCIATIONS	Justification
3. The Commission is empowered to adopt delegated acts in accordance with Article 75, supplementing this Regulation	3. The Commission is empowered to adopt delegated acts in accordance with Article 75	<i>Numerous details will be laid down in delegated acts and implementing acts which are not yet available but may have seri-</i>

<p>by:</p> <p>...</p> <p>Those delegated acts shall adapt the requirements, methodologies and standards of points (a) to (c) to the applicable technical or scientific developments, and to any new Union policies or rules on sustainable agriculture.</p> <p>Where those rules are not yet established, Member States may adopt such rules for their respective territories. They shall notify them to the Commission and to the other Member States.</p>	<p>implementing acts, supplementing this Regulation by:</p> <p>...</p> <p>Those delegated acts implementation acts shall adapt the requirements, methodologies and standards of points (a) to (c) to the applicable technical or scientific developments, and to any new Union policies or rules on sustainable agriculture.</p> <p>Where those rules are not yet established, Member States may adopt such rules for their respective territories. They shall notify them to the Commission and to the other Member States.</p>	<p><i>ous implications for plant variety registration and the certification of seeds and plants for planting. Article 52 (Value for sustainable cultivation and use) is of key importance. Therefore, the essential points need to be laid down in implementing acts.</i></p>
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AMENDMENT 48 OF THE DRAFT REPORT, ARTICLE 52 – PARAGRAPH 3

<i>Amendment 48 of Draft Report</i>	<i>Amendment DE-ASSOCIATIONS</i>	<i>Justification</i>
<p>(b) establishing the methodologies for assessing the characteristics listed under paragraph 1, second subparagraph, points (a) to (gb);</p>		<p><i>We agree</i></p>

AMENDMENT 49 OF THE DRAFT REPORT, ARTICLE 52 – PARAGRAPH 3 (deleted)

<i>Amendment 49 of Draft Report</i>	<i>Amendment DE-ASSOCIATIONS</i>	<i>Justification</i>
<p><i>The Commission may adopt, by means of implementing acts, a decision requesting a Member State to repeal or modify those rules, if they are deemed, on the basis of the available scientific and technical evidence, to be inappropriate for the examination of value for sustainable cultivation and use of a variety. Those implementing acts shall be adopted in accordance with</i></p>		<p><i>We agree</i></p>

the examination procedure referred to in Article 76(2).		
PROPOSAL FOR A REGULATION, ARTICLE 52 – PARAGRAPH 4		
Text proposed by the Commission	Amendment of DE-ASSOCIATIONS	Justification
<p>4. For the purposes of registration of organic varieties suitable for organic production as defined in Article 3(19) of Regulation (EU) 2018/848, the examination of the value for sustainable cultivation and use shall be conducted under organic conditions, in accordance with that Regulation, and in particular Article 5, points (d), (e), (f) and (g), and Article 12 thereof and Part I of Annex II to that Regulation.</p> <p>Where competent authorities are not able to carry out an examination under organic conditions, or the examination of certain characteristics, including disease susceptibility, testing may be carried out under low-input conditions and with only the absolutely necessary for the completion of the testing treatments with pesticides and other external inputs.</p>	<p>4. For the purposes of registration of organic varieties suitable for organic production as defined in Article 3(19) of Regulation (EU) 2018/848, the examination of the value for sustainable cultivation and use shall be conducted under organic conditions, in accordance with that Regulation, and in particular Article 5, points (d), (e), (f) and (g), and Article 12 thereof and Part I of Annex II to that Regulation.</p> <p>Where competent authorities are not able to carry out an examination under organic conditions, or the examination of certain characteristics, including disease susceptibility, testing may be carried out under low-input conditions and with only the absolutely necessary for the completion of the testing treatments with pesticides and other external inputs.</p>	<p>We don't agree:</p> <p>A VCSU test of organic seeds must be carried out on actual organic cultivation areas to be able to exactly determine the variety properties. This is not ensured when tested on low-input areas. Helpwise, the plant variety candidates need to be tested on conventional areas.</p>

Article 69

Period of registration

AMENDMENT 50 OF THE DRAFT REPORT, ARTICLE 69 – PARAGRAPH 1		
Amendment 50 of Draft Report	Amendment DE-ASSOCIATIONS	Justification
<p>However, that period of registration shall be 30 years for conservation varieties and varieties of species of fruit plants and vine propagating material, as listed respectively in Parts</p>	<p>However, that period of registration shall be 30 years for conservation varieties and varieties of species of fruit plants and vine propagating material, as listed respectively in Parts C and D of Annex I.</p>	<p>We don't agree:</p> <p>Conservation varieties should have the same period of registration as the varieties with official description.</p>

C and D of Annex I.		
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Article 70

Procedure and conditions for registration renewal

PROPOSAL FOR A REGULATION, ARTICLE 70 – PARAGRAPH 1		
Text proposed by the Commission	Amendment of DE-ASSOCIATIONS	Justification
1. Any person intending to renew the registration of a variety shall submit an application, no earlier than 12 months, and no later than 6 months, before the expiration of the period of registration as referred to in Article 69(1).	1. Any person intending to renew the registration of <i>his/her</i> variety shall submit an application, no earlier than 12 months, and no later than 6 months, before the expiration of the period of registration as referred to in Article 69(1).	
PROPOSAL FOR A REGULATION, ARTICLE 70 – PARAGRAPH 4		
Text proposed by the Commission	Amendment of DE-ASSOCIATIONS	Justification
4. The competent authority may, on its own initiative, renew the registration of a variety, if it is still in large demand by the professional operators and farmers concerned, or it should be retained in the interest of conserving plant genetic resources.	4. The competent authority may, on its own initiative, renew the registration of a variety, if it is still in large demand by the professional operators and farmers concerned, or it should be retained in the interest of conserving plant genetic resources.	<i>This would infringe upon private rights of the plant variety holder and therefore needs to be deleted. An extension of registration must always be linked to the obligation to conservation breeding. Authorities do not carry out conservation breeding.</i>

Article 75

Exercise of delegation

AMENDMENT 51 OF THE DRAFT REPORT, ARTICLE 75 – PARAGRAPH 2		
Amendment 51 of Draft Report	Amendment DE-ASSOCIATIONS	Justification
2. The delegation of power referred to in Articles 2(3), 7(3), 8(4), 10(2), 15(5), 20(2), 22(2), 24(4), 27(3), 30a, 33(1) and (3) , 46(2), 52(3), 54(4), 61(3),	2. The delegation of power referred to in Articles 2(3), 7(3) , 8(4), 10(2), 15(5), 20(2), 22(2), 24(4), 27(3), 30a, 33(1) and (3) , 46(2), 52(3) , 54(4), 61(3),	We don't agree <i>These provisions should remain implementing acts.</i>

and 62(1) shall be conferred on the Commission for 5 years from the date of the entry into force of this Regulation.	and 62(1) shall be conferred on the Commission for 5 years from the date of the entry into force of this Regulation	
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Article 80

Amendments of Regulation (EU) 2017/625

PROPOSAL FOR A REGULATION, ARTICLE 80		
Text proposed by the Commission	Amendment of DE-ASSOCIATIONS	Justification
<p>Regulation (EU) 2017/625 is amended as follows:</p> <p>(1) in Article 1, paragraph 2, the following point is added:</p> <p style="padding-left: 40px;">‘(k) production and marketing of plant reproductive material.’;</p>	<p>Regulation (EU) 2017/625 is amended as follows:</p> <p>(1) in Article 1, paragraph 2, the following point is added:</p> <p style="padding-left: 40px;">‘(k) production and marketing of plant reproductive material.’;</p>	<p><i>It is sufficient to place the seed marketing control under Regulation (EU) 2017/625.</i></p> <p><i>Controls within the scope of Regulation (EU) 2017/625 on official controls are to be carried out on a risk basis and with appropriate frequency, according to its Article 9 (1). This means that also the production of seed or material would only be controlled on a risk based approach.</i></p> <p><i>This is contrary to the procedure currently established within the Member States for certification of plant reproductive material. In order to be officially certified in either of the categories Pre-basic, Basic or Certified, all crops in the field as well as the resulting seed and material of each lot must be officially controlled or be controlled under official supervision. This cannot be done within the framework of Regulation (EU) 2017/625, as here controls may only be carried out risk based.</i></p> <p><i>So the words „production and“ should be deleted.</i></p>
PROPOSAL FOR A REGULATION, ARTICLE 80 – PARAGRAPH 4a (new)		
Text proposed by the Commission	Amendment of DE-ASSOCIATIONS	Justification
	<p>(4a) The following article is inserted after Article 40:</p>	<p><i>Competent authorities have been working professionally in</i></p>

	<p>„Article 40a</p> <p>Exemption of certain authorities from the audits required under Article 6</p> <p>The competent authorities responsible for official seed certification and official seed marketing control are exempted from the auditing requirements of Regulation (EU) 2017/625.”</p>	<p><i>the field of official seed certification and official seed marketing control for decades. Seed and plant propagating material are also not risk products for which Regulation (EU) 2017/625 on official controls has been designed. The auditing of the authorities is therefore unnecessary.</i></p>
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Article 83

Entry into force and application

PROPOSAL FOR A REGULATION, ARTICLE 83 – PARAGRAPH 1		
Text proposed by the Commission	Amendment of DE-ASSOCIATIONS	Justification
<p>This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i>.</p> <p>It shall apply from ... [36 months from the date of the entry into force of this Regulation]. However,</p>	<p>This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i>.</p> <p>It shall apply from ... [36 48 months from the date of the entry into force of the last delegated act as well as implementing act relating this Regulation]. However,</p>	<p><i>Article 83 of this regulation should be revised with respect to the date of entry into force in order to create the necessary personnel and administrative prerequisites that accompany this regulation. Those prerequisites can not be created without having in place the comprehensive specification regarding the seed production supervision in the field and testing/certification procedures in detail prior to the effective date of this regulation. Thus, all the related delegated and implementing acts have to be entered into force before the date of entry into force of the regulation. The term of 48 months is based on the circumstances that additional personnel is needed for inter alia enhanced audits and documentations provided, risk based assessments, training of field supervision personnel and increased control plot conduction</i></p>
AMENDMENT 52 OF THE DRAFT REPORT, ARTICLE 83 – PARAGRAPH 3		

<i>Amendment 52 of Draft Report</i>	<i>Amendment DE-ASSOCIATIONS</i>	<i>Justification</i>
(b) Article 52 shall apply from ... [60 months from the date of the entry into force of this Regulation] for the species listed in Parts B and C of Annex I, provided that the respective examination requirements, methodologies and standards for assessing the characteristics listed in Article 52(1), second subparagraph points (a) to (gb), exist. It shall be binding in its entirety and directly applicable in all Member States.		<i>We agree</i>

Annex I

GENERA AND SPECIES, AND THEIR RESPECTIVE USES, AS REFERRED TO IN ARTICLE 2

<i>AMENDMENT 53 OF THE DRAFT REPORT, ANNEX I – PART A, 1a (new)</i>		
<i>Amendment 53 of Draft Report</i>	<i>Amendment DE-ASSOCIATIONS</i>	<i>Justification</i>
Cicer arietinum Lens culinaris Medik., 1787 Fagopyrum esculentum Camelina sativa Triticum monococcum	Cicer arietinum <i>Lens culinaris Medik., 1787</i> Fagopyrum esculentum Camelina sativa Triticum monococcum	<i>We agree</i>

Annex VI

REQUIREMENTS FOR PRODUCTION AND MARKETING OF PRM OF HETEROGENEOUS MATERIAL AS REFERRED TO IN ARTICLE 27(2)

<i>PROPOSAL FOR A REGULATION, ANNEX VI – PART D, PARAGRAPH 1a (new)</i>		
<i>Text proposed by the Commission</i>	<i>Amendment of DE-ASSOCIATIONS</i>	<i>Justification</i>

	<i>1a. Professional operators may place on the market PRM of heterogeneous material after official controls have been carried out by the competent authorities on the relevant crops in the field and on the resulting seed lot, during which practical freedom from quality pests and compliance with the requirements of Art. 4 have been verified.</i>	<i>The current legislation lacks the possibility to officially control the production of PRM of heterogeneous material in the field and in the storage. Experiences from professional operators of heterogeneous material as well as of competent authorities have shown that it is essential to provide this opportunity in the new legislation to ensure that high quality seed is marketed and plant health requirements are always fulfilled.</i>
AMENDMENT 54 OF THE DRAFT REPORT, ANNEX VI – PART H, table row 2 (deleted)		
<i>Amendment 54 of Draft Report</i>		
<i>Fodder Plants</i>		<i>10</i>
<i>Amendment DE-ASSOCIATIONS</i>		
<i>Justification</i>		
<i>We agree</i>		

Annex VII

CONTENTS OF THE NATIONAL AND UNION VARIETY REGISTERS AS REFERRED TO IN ARTICLE 46

AMENDMENT 55 OF THE DRAFT REPORT, ANNEX VII – PARAGRAPH 1		
<i>Amendment 55 of Draft Report</i>	<i>Amendment DE-ASSOCIATIONS</i>	<i>Justification</i>
(g) in the case of conservation varieties with officially recognised description and, if appropriate, an indication of the region(s), where the variety has historically been grown and to which it is naturally adapted ('region(s) of origin');		<i>We agree</i>

AMENDMENT 56 OF THE DRAFT REPORT, ANNEX VII – PARAGRAPH 1 (deleted)

Amendment 56 of Draft Report	Amendment DE-ASSOCIATIONS	Justification
(s) where applicable, indication that the variety is herbicide tolerant and indication of the applicable cultivation conditions;		We agree

AMENDMENT 57 OF THE DRAFT REPORT, ANNEX VII (deleted)

Amendment 57 of Draft Report	Amendment DE-ASSOCIATIONS	Justification
(t) where applicable, indication that the variety has certain characteristics, and indication of the applicable cultivation conditions.		We agree

AMENDMENT 58 OF THE DRAFT REPORT, ANNEX VII (new)

Amendment 58 of Draft Report	Amendment DE-ASSOCIATIONS	Justification
(ta) disclosure of which breeding techniques have been applied for the development of the variety (e.g. cell fusion, genetic engineering, chemical or irradiation mutation breeding, microspore culture);		We don't agree: The breeding techniques (except for plants that contain or consist of a category 1 and 2) have to be confidential.

AMENDMENT 59 OF THE DRAFT REPORT, ANNEX VII (new)

Amendment 59 of Draft Report	Amendment DE-ASSOCIATIONS	Justification
(tb) disclosure of whether the variety is covered by existing patents.	(tb) disclosure of whether the variety is covered by existing patents whether PRM of the variety falls within the claims of one or more patents, whereas such patent(s) have to be identified in a manner which enables the patent holder to be contacted.	We don't agree: Plant Breeders' are committed to transparency, as demonstrated by the PINTO (Patent Information and Transparency Online) Database. However, a clarification of the legal relevance of provided information as per amendment 59 is needed. Moreover, stating whether vari-

		<p><i>ety material is covered by existing patents is not helpful as the user does not yet know whether the material is covered by one or several patents, which claims are involved and who the patent holder(s) is. In case of doubt, a positive statement has a deterrent effect (because the user knows that patents are involved but has no way of clarifying where he can receive a license).</i></p>
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